

REMARKS

Applicants acknowledge the allowance of Claims 29-35, as set forth in paragraphs 3 and 4 of the Office Action. Claims 21-28 have been rejected under 35 U.S.C. §102(e) as anticipated by August et al (U.S. Patent No. 6,389,055). However, for the reasons set forth hereinafter, Applicants respectfully submit that Claims 21-28 (as well as Claims 29-35, which have been allowed) distinguish over the August et al reference.

The present invention is directed to an acoustically activated device, which can be worn by an individual, and which displays "predefined information", such as a predetermined message or symbol, in response to receipt of "predefined acoustically propagated data" broadcast by a commercial broadcast source. In particular, the device according to the invention may be worn by a consumer as a badge, while at the cinema, or while listening to radio or television, as described at paragraph [0003] of the specification. When the device detects the receipt of such "predefined data" (for example, a combination of words or sounds) in the signal broadcast by a commercial broadcast source, it displays the predefined data. Thus, the invention provides a simple and inexpensive manner in which preset messages (such as "You have won!", for example) can be communicated to an individual who is listening to a broadcast.

The August et al reference, on the other hand, describes a system in which a priori unknown (not predefined) data are received within the sound or vision transmissions from a broadcast source, and are decoded by the receiving apparatus. The receiving apparatus may thereafter interpret the decoded data, use the information content contained therein, display the information content data contained therein or forward the information content, but in no embodiment does August et al teach or suggest that the receipt of "predefined acoustically propagated data" causes this display of "predefined information" in response thereto.

For example, at Column 2, lines 28-24, August et al indicates that a display device, such as an LDC "can display at least a portion of the transaction data". Alternatively, the transaction data may include descriptive information about an advertisement or solicitation.

The August et al reference discloses several uses for the incoming data stream 16, 34 at the receiving location. For example, it may be used to program a programmable device (Column 5, lines 29-30), initiate a transaction via a two-way transmission (Column 5, lines 36-37), convey information, (Column 5, line 41) be transmitted to an appropriate final destination or device (Column 6, lines 29-32), or include product or coupon information (Column 6, line 39). Or, as noted previously, the information itself, or part of it can be displayed to the user, as indicated at Column 6, lines 44-45 and 58-59. Finally, in an additional

embodiment, a broadcast may include an imbedded signal which identifies the broadcast programming format (such as "talk radio"), so that a listener may select a desired program format.

In each of the foregoing applications, it is apparent that, rather than detecting the receipt of "predefined data" in order to trigger the display of "predefined information", the information content contained in the broadcast signal (which is not predetermined) is used or processed in some manner in order to convey information, or initiate a transaction. Accordingly, Applicants respectfully submit that August et al neither teaches nor suggests a system which includes "activation means coupled to said display means, for causing said display means to display predefined information upon receipt of predefined acoustically propagated data broadcast by a commercial broadcast source".

The present invention provides a low cost "open loop" system, in which predetermined stored message information is transmitted upon receipt of an acoustically propagated signal containing certain predefined acoustically propagated data. August et al does not provide such a system.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038819.49686).

Respectfully submitted,

A handwritten signature in cursive script that reads "Gary R. Edwards". The signature is written in dark ink and is positioned above a horizontal line.

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